

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

IN RE:	§	
OIL PATCH TRANSPORTATION, INC.	§	Case No. 17-80152
Debtor in Possession	§	Chapter 11

**DEBTOR'S EMERGENCY MOTION TO CONTINUE**

**THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.**

**REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.**

**IMMEDIATE EMERGENCY RELIEF HAS BEEN REQUESTED. IF THE COURT CONSIDERS THE MOTION ON AN EMERGENCY BASIS, THEN YOU WILL HAVE LESS THAN 21 DAYS TO ANSWER. IF YOU OBJECT TO THE REQUESTED RELIEF OR IF YOU BELIEVE THAT THE EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU SHOULD FILE AN IMMEDIATE RESPONSE.**

**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

Oil Patch Transportation Inc. ("OPT") represents:

1. OPT filed the captioned chapter 11 bankruptcy case.
2. Its owner and corporate representative for purposes of testifying at hearing

is Robert Smith.

3. At approximately 5:00 pm yesterday (August 2, 2017), Mr. Smith learned that Dot, the wife of his brother, L.C., passed away on August 1, 2017 and that L.C. passed away the next day, August 2, 2017.

4. Mr. Smith is close to his family. The funerals are on Saturday morning, August 5, 2017 in Mississippi.

5. Mr. Smith plans to travel to Mississippi on Friday August 4, 2017 to attend the funerals.

6. A hearing on several matters is set for August 4, 2017 at 3:00 p.m. They are on continued use of cash collateral, the motion for relief from stay of IPFS (docket no. 48 which has been settled with order to be uploaded) and the motion for relief from stay of Sun Trust (docket no. 39 which has been settled with order to be uploaded; Sun Trust and the Debtor have reached an agreement; however, Brazoria County objected to the Motion. The Debtor does not oppose the relief that Brazoria County seeks).

7. Mr. Smith will not be able to attend the August 4, 2017 hearings because he will be travelling to the funerals. Mr. Smith anticipates being in Mississippi for one week after the funerals and will return to work on August 14, 2017.

8. The purpose of this Motion is not for purposes of delay, but rather to ensure that justice is done.

9. The Debtor has filed, contemporaneously, a separate motion for continued and enlarged use of cash collateral.

WHEREFORE, OPT prays that this Court continue all matters to the next available date in August or September and grant OPT such other and further relief, in law and in equity, as is just.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the forgoing was served upon those shown below by either electronic transmission by the Clerk of the Court or by United States first class mail, postage prepaid on August 3, 2017:

Jay Walton Hurst on behalf of Creditor Texas Comptroller of Public Accounts and Texas Workforce Commission

jay.hurst@texasattorneygeneral.gov and sherri.simpson@texasattorneygeneral.gov

Sameer K Kapoor on behalf of Creditor Sun Trust Bank and SunTrust Equipment Finance and Leasing Corp  
sameer.kapoor@arlaw.com

Steven T. Holmes  
Three Energy Square  
6688 North Central Expressway, Suite 400  
Dallas, Texas 75206  
sholmes@mcglinchey.com

Steven A. Leyh on behalf of Creditor Wells Fargo Equipment Finance, Inc.  
sleyh@lpmfirm.com, haley@lpmfirm.com;lpm.ecf@gmail.com;aaguilar@lpmfirm.com

Christine A March on behalf of U.S. Trustee US Trustee christine.a.march@usdoj.gov

Frances Anne Smith on behalf of Creditor Signature Financial LLC  
fsmith@shackelfordlaw.net, mcoulombe@shackelfordlaw.net

Melvin L Smith, Jr on behalf of Creditor Classic Bank, N.A. mel@mlsesq.com

Owen Mark Sonik on behalf of Creditor Brazoria County Tax Office  
osonik@pbfc.com, tpope@pbfc.com;osonik@ecf.inforuptcy.com

US Trustee USTPRegion07.HU.ECF@USDOJ.GOV

Balboa Capital jay.leal@balboacapital.com

Forward Financing LLC cbarkley2@forwardfinancing.com

Stearns Bank emilyd@stearnsbank.com

Rapid Capital Finance, LLC BJohnson@jaffeandasher.com

City of Pearland  
3519 Liberty Drive  
Pearland, Texas 77581  
Via Email: [r Ruiz@pearlandtx.gov](mailto:r Ruiz@pearlandtx.gov)

By: \_\_\_\_\_  
Alan S. Gerger

Dated: August 3, 2017

Respectfully submitted,

The Gerger Law Firm, PLLC

By: 

Alan S. Gerger

Texas State Bar No. 07816350

Texas Federal ID 2646

2211 Norfolk Street, Suite 517

Houston, Texas 77098

Telephone: 713-300-1430

Facsimile: 888-317-0281

[asgerger@gerglaw.com](mailto:asgerger@gerglaw.com)

[bkpfilings@gerglaw.com](mailto:bkpfilings@gerglaw.com)

ATTORNEY FOR OIL PATCH  
TRANSPORTATION INC.

#### VERIFICATION

My name is Robert Smith, the owner of Oil Patch Transportation, Inc. I am competent to make this verification. I have read the above allegations. They are true and correct.

Sworn to under penalty of perjury in Brazoria County, Texas on August 4, 2017.

By: 

Robert Smith

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

IN RE: §  
OIL PATCH TRANSPORTATION, INC. § Case No. 17-80152  
Debtor in Possession § Chapter 11

**ORDER ON DEBTOR'S EMERGENCY MOTION TO CONTINUE**

All hearings set for August 4, 2017 at 3:00 p.m. in the captioned case are continued to \_\_\_\_\_.

DATED \_\_\_\_\_ BY: \_\_\_\_\_  
MARVIN ISGUR  
UNITED STATES BANKRUPTCY JUDGE

APPROVED AND ENTRY REQUESTED:

The Gerger Law Firm, PLLC

By: /s/ Alan S. Gerger  
Alan S. Gerger  
Texas State Bar No. 07816350  
Texas Federal ID 2646  
2211 Norfolk Street, Suite 517  
Houston, Texas 77098  
Telephone: 713-300-1430  
Facsimile: 888-317-0281  
[asgerger@gerglaw.com](mailto:asgerger@gerglaw.com)  
[bkpfilings@gerglaw.com](mailto:bkpfilings@gerglaw.com)

ATTORNEY FOR OIL PATCH  
TRANSPORTATION INC.